

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
RENO, NEVADA

)
ELIZABETH EOIFF,)
)
)
Plaintiff,) **Case No.: 3:08-cv-00059-KJD-RAM**
)
)
vs.) **MINUTES OF COURT**
)
CITY OF RENO, et al.,)
)
)
Defendants.) **March 2, 2011**
 /

PROCEEDINGS: JURY TRIAL - DAY THREE

PRESENT:

THE HONORABLE KENT J. DAWSON, UNITED STATES DISTRICT JUDGE

Deputy Clerk: Paris Rich Reporter: Felicia Zabin

Counsel for Plaintiff: William Jeanney and Scott Freeman

Counsel for Defendant City of Reno: Jack Campbell

Counsel for Defendant Paul Pitsnogle: None appearing

At 9:00 a.m., the Court convenes. Plaintiff's counsel is present with Plaintiff Elizabeth Eoff. Defendant City of Reno's counsel is present with Stephen Pitts, Chief of Police, City of Reno.

The Court and counsel further address the juror note from the previous afternoon. The Parties stipulate to the Court's response to the juror's note. The Clerk is directed to provide the written response to the juror.

At 9:05 a.m., the jury enters the Courtroom with 8 jurors present.

JEFFREY MORGAN FREELOVE, Sergeant, Reno Police Department, called on behalf of the Plaintiff, is sworn, examined on direct by Mr. Freeman, cross-examined by Mr. Campbell, examined on re-direct by Mr. Freeman, re-cross examined by Mr. Campbell, and excused.

LEIGHA SVETLANA STRUFFERT, Retired Lieutenant, Reno Police Department, called on behalf of the Plaintiff, is sworn, examined on direct by Mr. Freeman, cross-examined by Mr. Campbell, and excused.

Mr. Freeman requests the admission of Plaintiff's Exhibit 17. **IT IS ORDERED, admission of Plaintiff's Exhibit 17 is DENIED. IT IS SO ORDERED.**

At 10:19 a.m., the jury is admonished and excused.

At 10:20 a.m., the Court reconvenes outside the presence of the jury.

Mr. Freeman presents statements regarding the denial of Plaintiff's Exhibit 17 and addresses the remaining submitted portion of [90] Plaintiff's Emergency Motion filed 2/24/2011. **IT IS ORDERED, [90] Motion is DENIED as to the remaining issues contained therein. IT IS SO ORDERED.**

At 10:23 a.m., the Court stands at recess.

At 10:41 a.m., the Court reconvenes with the jury present.

ROBERT NUTTALL, Retired Lieutenant, Reno Police Department, called on behalf of the Plaintiff, is sworn, examined on direct by Mr. Freeman, cross-examined by Mr. Campbell, examined on re-direct by Mr. Freeman, re-cross examined by Mr. Campbell, and excused.

DOUGLAS WILLIAM CARDWELL, Retired Lieutenant, Reno Police Department, called on behalf of the Plaintiff, is sworn, examined on direct by Mr. Freeman, cross-examined by Mr. Campbell, examined on redirect by Mr. Freeman, and excused.

At 11:48 a.m., the Court admonishes the jury and stands at recess until 1:15 p.m. this date.

At 1:15 p.m., the Court reconvenes outside the presence of the jury.

Mr. Jeanney addresses [99] Affidavit of Service filed in this matter on February 28, 2011. The Court and counsel confer and conclude [99] Affidavit is a fugitive filing. **IT IS ORDERED, [99] Affidavit shall be stricken from the docket. IT IS SO ORDERED.**

Mr. Campbell presents statements regarding correspondence he received over the noon hour this date from Robert Hager, Esq., counsel for Defendant Pitsnogle. At the Court's request, Mr. Campbell provides said correspondence for the Court's review. The Clerk is instructed to make a copy of the correspondence at the next recess. The Court determines the correspondence shall be addressed following further consideration.

KEITH W. BROWN, Lieutenant, Reno Police Department, called on behalf of the Plaintiff, is sworn, examined on direct by Mr. Freeman, cross-examined by Mr. Campbell, examined on redirect by Mr. Freeman, and excused.

GERI GODDARD, M.A., MFT, called on behalf of the Plaintiff, is sworn, examined on direct by Mr. Jeanney, and released subject to recall.

Plaintiff's Exhibit 1 is received into evidence.

At 2:50 p.m., the Court admonishes the jury and stands at recess.

At 3:09 p.m., the Court reconvenes with the jury present in the Courtroom.

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GERI GODDARD, M.A., MFT, previously sworn, resumes the witness stand, is further examined on direct by Mr. Jeanney, cross-examined by Mr. Campbell, and excused.

GEORGETTE KNECHT, Plaintiff's mother, called on behalf of the Plaintiff, is sworn, examined on direct by Mr. Jeanney, and excused.

Mr. Jeanney advises the Court that Plaintiff's case will rest in the morning on March 3, 2011.

At 4:22 p.m., the jury is admonished and excused.

The Court reconvenes outside the presence of the jury.

The Court inquires as to the readiness of Defendant City of Reno's witnesses for Thursday, March 3, 2011. Mr. Campbell advises witnesses will be available.

IT IS ORDERED, Jury Trial is continued to Thursday, March 3, 2011 at 9:00 a.m. in Reno Courtroom 4 before Judge Kent J. Dawson.

Court adjourns.

LANCE S. WILSON, CLERK

By: /s/ Paris Rich
Deputy Clerk